

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

**BIGLER JOBE STOUFFER, II,**

Petitioner,

v.

**MIKE CARPENTER, Warden,**

Respondent.

**Case No. CIV 19-013-JHP-KEW**

**OPINION AND ORDER**  
**DENYING CERTIFICATE OF APPEALABILITY**

On April 18, 2019, the Court dismissed without prejudice Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 for failure to comply with an Order by the Court (Dkt. 10). Petitioner subsequently filed a motion for certificate of appealability (Dkt. 13).

To obtain a COA, a petitioner must make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

[W]hen the district court's decision rests on procedural grounds . . . the applicant must show both "that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right, and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling."

*Small v. Milyard*, 488 F. App'x 288, 290, 2012 WL 2626923, at \*2 (10th Cir. 2012) (quoting *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

After careful review, the Court finds Petitioner has failed to meet the burden for issuance of a COA.

**ACCORDINGLY**, Petitioner's motion for certificate of appealability (Dkt. 14) is **DENIED**.

**IT IS SO ORDERED** this 7th day of June 2019.



James H. Payne  
United States District Judge  
Eastern District of Oklahoma